

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

SAMUEL LOVE,
Plaintiff,
v.

MOGEEB M. HASSAN, et al.,
Defendants.

Case No. [19-cv-01871-SK](#)

FURTHER ORDER TO SHOW CAUSE

On March 9, 2020, the Court issued an Order to Show Cause why monetary sanctions in the amount of \$200 should not be imposed on each Defendant for failure to appear at a scheduled Status Conference. The Court noted that Defendants failed to appear for a scheduled Status Conference and that Defendants filed an answer *after* default had already been entered against them. Neither Defendant has moved to vacate the entry of default. Neither Defendant responded by the deadline of March 23, 2020, noted in the March 9, 2020 Order to Show Cause.

Additionally, the Court noted Plaintiff's obligation to diligently prosecute this case. In the Scheduling Order issued on March 4, 2019, the deadline for parties to complete initial disclosures was seven days *before* the joint site inspection and the deadline to hold a joint site inspection was July 22, 2019. (Dkt. No. 6.) The deadline for parties to meet and confer in person to discuss settlement was twenty-eight days after the joint site inspection and Plaintiff's deadline to file a Notice of Need for Mediation was forty-two days after the joint site inspection. (*Id.*)

In an administrative motion, Plaintiff informed the Court that the parties conducted their joint site inspection on February 25, 2020, more than *seven months late*. The parties have not requested to extend any of the Court's deadlines. Additionally, in requesting assistance with Defendants' initial disclosures, Plaintiff stated that the deadline for exchanging initial disclosures was February 18, 2020 (despite the fact that the actual deadline passed in July 2019) and noted

1 that he served his initial disclosures *after* his stated deadline. Plaintiff's motion also ignores the
2 Court's explanation that unless and until Defendants move, or the parties stipulate, to vacate the
3 entry of default, Defendants may not defend against Plaintiff's claims.

4 In the Order to Show Cause, the Court noted that Plaintiff had not requested an extension
5 to discuss settlement or an extension to file a Notice of Need for Mediation and that Plaintiff has
6 an obligation to diligently prosecute this case. Even if the Court accepts the parties' joint site
7 inspection conducted more than seven months late and accepts Defendants' ability to defend
8 against Plaintiff's claims, the deadline to meet and confer in person to discuss settlement was
9 March 24, 2020 and Plaintiff's deadline to file a Notice of Need for Mediation expired on April 7,
10 2020. The parties' complete disregard for the Court's Orders and deadlines is unacceptable.

11 The Court is hesitant to impose monetary sanctions against *pro se* individuals and will
12 provide Defendants with one final opportunity to respond to the Court's Order to Show Cause.
13 Defendants shall show cause in writing why monetary sanctions in the amount of \$200 should not
14 be imposed on each Defendant for failure to appear at the Status Conference on March 9, 2020 and
15 to respond to the Court's Order to Show Cause. Defendants shall file a response in writing by no
16 later than June 8, 2020.

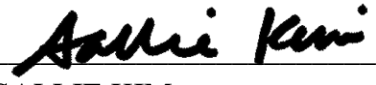
17 Again, the Court ADVISES Defendants that a Handbook for Pro Se Litigants, which is
18 available through the Court's website or in the Clerk's office, contains helpful information about
19 proceeding without an attorney. The Court also advises Defendants that they also may wish to
20 seek assistance from the Legal Help Center. Defendants may call the Legal Help Center at 415-
21 782-9000, extension 8657, or sign up on the 15th Floor of the Courthouse, Room 2796, for a free
22 appointment with an attorney who may be able to provide basic legal help, but not legal
23 representation.

24 With respect to Plaintiff, the Court issues an Order to Show Cause why the Court should
25 not dismiss this case for failure to prosecute. Plaintiff shall explain how he seeks to proceed in
26 light of Defendants' default. Because Defendants are *pro se* and Defendants have made some
27 effort to appear in this lawsuit, the Court recommends that Plaintiff reach out to Defendants to
28 discuss a joint plan. The Court notes that this is the *second* Order to Show Cause issued to

1 Plaintiff regarding his failure to prosecute and *third* time admonishing Plaintiff on his obligation
2 to diligently prosecute his case. Plaintiff shall file a written response to this Order to Show Cause
3 by no later than June 22, 2020. The Court DENIES Plaintiff's administrative motion as MOOT.
4 Again, unless and until Defendants move or the parties stipulate to vacate the entry of default,
5 Defendants cannot proceed and defend against Plaintiff's claims.

6 **IT IS SO ORDERED.**

7 Dated: May 15, 2020

8 
9 SALLIE KIM
United States Magistrate Judge

United States District Court
Northern District of California